

## REMARKS

Claims 1-40 are pending in the instant application. Claims 1, 10, 17, 21, 30, 37 and 40 are independent claims, and claims 2-9, 11-16, 18-20, 22-29, 31-36 and 38-39 depend, respectively, from independent claims 1, 10, 17, 21, 30, and 37. The Applicants believe that the claims define patentable subject matter in light of the following remarks.

On May 11, 2005, the Office issued a Final Office Action, rejecting claims 1-39 in light of the Lent and Mandler references. On September 12, 2005, Applicants submitted a Request for Continued Examination, which provided a detailed argument as to why Applicants' claimed invention was patentable over both the Lent and Mandler references. According to the current Non-Final Office Action, "Applicant's September 15, 2005 REMARKS [distinguishing the Lent and Mandler references] have been reviewed [and] are convincing with regards to the previous Office Action[.]" *See* Office Action of November 25, 2005, at p. 2. Thus, the Office has conceded that the pending claims are patentably distinct from the Lent and Mandler references.

Rather than allowing the claims, however, the Office rejected the pending claims in light of a new reference, Peth (USP 6,957,192). Application Serial No. 09/645,108, which ultimately issued as the '192 patent, was filed on August 23, 2000. The present application claims priority to three Provisional Applications (60/195,825; 60/214,183; and 60/214,136), and the present claims are completely supported by the disclosure of these three Provisional Applications. Because each of these Provisional Applications was filed on or before June 26, 2000, at least two months prior to the Peth application, the '192 patent is not prior art to the present claims. Accordingly, the Office's rejection should be withdrawn. The applicants reserve the right to distinguish the '192 patent on other grounds if required in the future.

## CONCLUSION

Based on at least the foregoing, the Applicants believe that claims 1-40 are in condition for allowance. Given the state of the prosecution, if the Examiner disagrees or has any question regarding this submission, the Applicants request that the Examiner telephone the undersigned at (312) 775-8000 prior to issuing any further action.

A Notice of Allowance is courteously solicited.

Respectfully submitted,

Dated: April 25, 2006

By: Ronald Spuhler  
Ronald H. Spuhler  
Reg. No. 52,245

McAndrews, Held & Malloy, Ltd.  
500 West Madison Street - Ste. 3400  
Chicago, Illinois 60661  
(312) 775-8000